



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 12.3.2**  
**Appeals Standing Committee**  
**April 11, 2024**

**TO:** Chair and Members of Appeals Standing Committee

**SUBMITTED BY:** - Original Signed -  
Andrea MacDonald, Director, Community Standards & Compliance

**DATE:** April 3, 2024

**SUBJECT:** Order to Demolish–CF-2023-32017, 4209 Highway 357, Meaghers Grant, NS

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**ORIGIN**

Staff, pursuant to the *Halifax Regional Municipality Charter* (the “Charter”).

**LEGISLATIVE AUTHORITY**

Sections 355, 356 and 3(q) of the *Halifax Regional Municipality Charter*, S.N.S., 2008 C.39.

**RECOMMENDATION**

It is recommended that the Appeals Standing Committee:

Find the property to be dangerous or unsightly as per section 3(q) of the Charter and as per section 356 of the Charter, **orders demolition** of the main structure including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the property in a neat, tidy, environmentally compliant and safe condition within sixty (60) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

**BACKGROUND:**

There has been one previous dangerous or unsightly case at the property. The case was closed with HRM completing an immediate remedy to bring the property into compliance.

The property is zoned VIL (Village Zone)

A review of the HRM database system shows no permits have been issued for the property.

A complaint was received by service request on November 15, 2023. The complainant stated that the building is in a state of disrepair due to broken, rotten, missing wood components and the walls are caving in. The caller believes that the building is not habitable and needs to be demolished to protect against kids getting in and for public safety.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the main structure. (Case CF-2023-32017)

**CHRONOLOGY OF CASE ACTIVITIES:**

22-NOV-2023 The Compliance Officer conducted a site inspection at 4209 Highway 357, Meaghers Grant hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a deteriorated main structure at the property. The Officer also noted broken, rotten, and missing wood components.

The Compliance Officer posted a 60-day Notice of Violation (attached as Appendix C) to obtain demolition permits and remove the deteriorated main structure.

The Compliance Officer also noted there is a derelict vehicle on the property which is being managed under a separate case.

01-DEC-2023 The Building Official submitted a Structural Integrity Report for the main structure (attached as Appendix D).

The overall comments regarding the structure are: The building is a 2-storey wood frame construction in varying stages of decay. All the windows are broken or missing, allowing entry of climatic elements and wildlife. The structure of the south facing wall has been compromised, the roof is sunken as it is no longer supported.

24-JAN-2024 The Compliance Officer completed a site inspection and noted no change to the condition of the main structure. The building appeared to be getting worse due to being exposed to the elements. There has been no successful contact made with the Property Owner to date.

23-MAR-2024 The Support Services staff received delivery confirmation of the registered mail sent to the property owner containing a copy of the 7-day Order. The registered mail was signed for by a M. Wigginton on November 28, 2023. (Attached as Appendix E)

25-MAR-2024 The Compliance Officer posted a Notice to Appear for the main structure (attached as Appendix F) at the property. A copy was sent to the property owner through registered mail.

### **FINANCIAL IMPLICATIONS**

There are no financial implications if the owner complies with the Order. If the Municipality is required to complete the work, the costs will form a debt against the property which may be collected in the same manner as taxes pursuant to the Halifax Regional Municipality Charter, S.N.S., 2008, C.39.

### **RISK CONSIDERATIONS**

The risk considerations rate moderate. The building is a safety hazard in its current condition and presents a threat to anyone who may enter as it is at risk of collapse.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental impact identified.

### **ALTERNATIVES**

The state of the property suggests no viable alternative to the recommendation by Staff.

### **ATTACHMENTS**

- Appendix A: Copy of the Legislative Authority – Halifax Regional Municipality Charter
- Appendix B: Copy of the Nova Scotia Property Records Map
- Appendix C: Notice of Violation dated November 21, 2023
- Appendix D: Copy of the Building Official's Report dated November 28, 2023
- Appendix E: Proof of Registered mail delivery dated March 23, 2024
- Appendix F: Copy of the Notice to Appear dated March 25, 2024

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A copy of this report can be obtained online at [Halifax.ca](http://Halifax.ca) or by contacting the Office of the Municipal Clerk at 902-490-4210.

Report Prepared For: Kim Northop, Compliance Officer II, Community Standards Compliance,  
902.476.6567

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## Appendix A

### Halifax Regional Municipality Charter (“HRM Charter”) Subsection 355, 356 and 3(q)

HRM Charter, subsection 355 (1) (2) as follows:

- 355 (1) The Council may, by policy, delegate some or all of its authority pursuant to this Part, except the authority to order demolition, to the Administrator.
- (2) The Council may, by policy, delegate its authority pursuant to this Part, or such of its authority as is not delegated to the Administrator, to a community council or to a standing committee, for all or part of the Municipality.

HRM Charter, subsections 356(1)(3), as follows:

- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice must be given to the owner specifying the date, time and place of the meeting at which the order will be considered and that the owner will be given the opportunity to appear and be heard before any order is made.

HRM Charter, subsection 3(q) as follows:

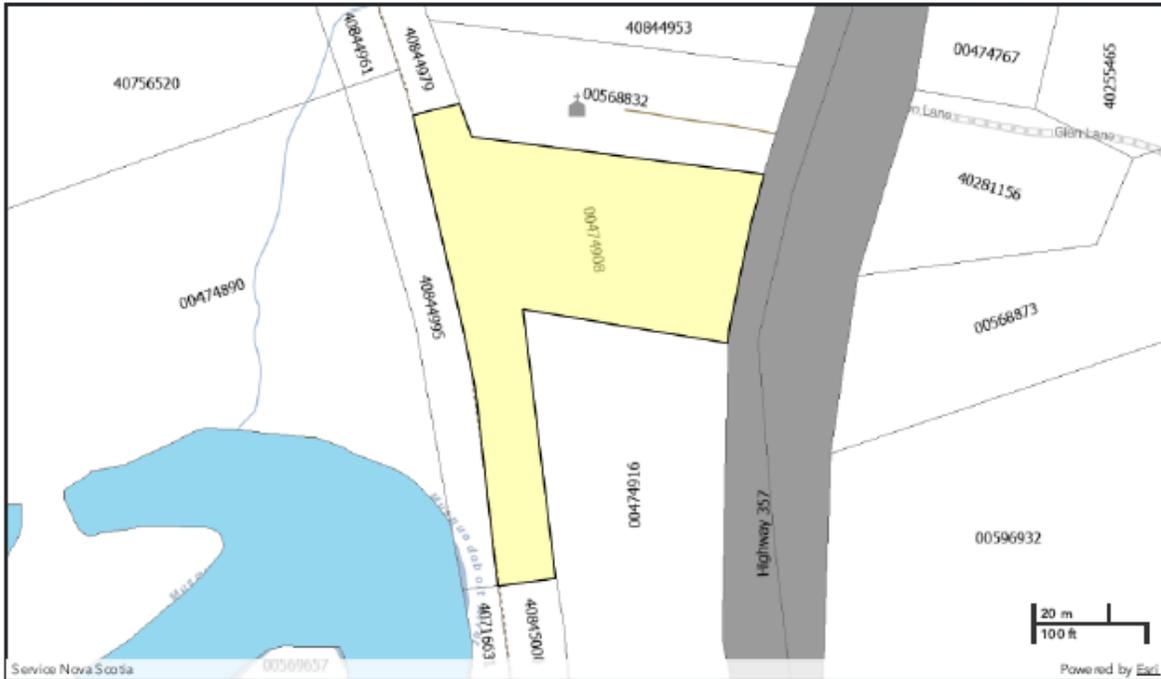
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
  - (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,
  - (iia) an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
  - (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies
  - (iv) that is in a ruinous or dilapidated condition,
  - (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,
  - (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
  - (vii) that is an allurements to children who may play there to their danger,
  - (viii) constituting a hazard to the health or safety of the public,
  - (ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,
  - (x) that is a fire hazard to itself or to surrounding lands or buildings,
  - (xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or
  - (xii) that is in a poor state of hygiene or cleanliness;

Appendix B



Property Online Map

Date: March 25, 2024 08:45:02



<b>PID:</b>	00474908	<b>Address:</b>	4209 HIGHWAY 357	<b>AAN:</b>	00844209
<b>County:</b>	HALIFAX COUNTY		MEAGHERS GRANT	<b>Value:</b>	\$39,000.00 (2024
<b>LR:</b>	NOT LAND REGISTRATION	<b>Owner:</b>	CHRISTOPHER WIGGINTON		COMMERCIAL TAXABLE)

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

Property Online Version 1.0

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Please feel free to [Submit Problems](#) you find with the Property Online web site.

# HALIFAX

## Buildings and Compliance

### Notice of Violation

Notice Served Upon: 4209 Hwy 357  
Address: Meashers Creek, NS

This is to advise that you are in violation of the following municipal and/or provincial legislation:

- HRM By-law A-700 Animals
- HRM By-law C-300 Civic Addressing
- HRM By-law C-501 Vending
- HRM Charter, Part XV Respecting Dangerous or Unsightly Premises
- HRM By-law N-300 Nuisances
- HRM By-law S-300 Streets
- HRM By-law S-600 Solid Waste
- HRM By-law S-801 Temporary Signs
- HRM By-law S-1000 Sidewalk Cafes
- HRM By-law T-1000 Taxi & Limousine
- Other: \_\_\_\_\_

Details of violation(s):

Building in a state of Disrepair  
Due to Broken/Rotten Wood Components,  
Broken/missing windows, Rottine off foundation,  
Roof collapsing, walls collapsing and no longer  
in a habitable state.

Violation(s) to be rectified as per the following:

obtain permits required to demolish  
building

Notice of Re-inspection:

A re-inspection will be performed on Jan 22 / 24 to confirm the above noted violations have been rectified. If you have any queries regarding this matter, please contact the issuing Officer prior to the re-inspection date.

Issuing Officer K NORTHROP

Issuing Officer Phone Number 902 476 2567

Original Signed

Issuing Officer Signature

Date (dd/mm/yy) 21/11/23

Time (hh/mm) 1040

Case Number 31433

## Appendix D

Pursuant to Part XV of the Halifax Regional Municipality Charter

As requested by the By-Law Compliance Officer, an inspection of the property located at:

Property Address	PID	Inspection Date
4209 HIGHWAY 357, MEAGHERS GRANT, NS BONIVO	00474908	November 28 2023

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> <li>The building is a 2-storey wood frame construction in varying stages of decay. Previously had been a service station.</li> <li>All the windows are broken or missing and the soffit/facia is open allowing entry of climatic elements and wildlife.</li> <li>The structure of the south facing wall has been compromised, the roof is sunken as it is no longer supported.</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>Concrete foundation is in fair condition.</li> </ul>
Heating Appliances	<ul style="list-style-type: none"> <li>Undetermined</li> </ul>
Chimney	<ul style="list-style-type: none"> <li>Exterior portion of masonry chimney seems to be in good shape.</li> </ul>
Roof	<ul style="list-style-type: none"> <li>Asphalt roofing material is in poor condition and the roof structure has partially collapsed on the South side.</li> </ul>
Building Services	<ul style="list-style-type: none"> <li>Water/sewer could not be determined.</li> <li>Electrical meter in place, lines still connected.</li> </ul>

Public Safety Considerations
<ul style="list-style-type: none"> <li>The building is a safety hazard in its current condition and is at risk of collapse at any time.</li> <li>Structure has broken windows with glass shards evident.</li> </ul>

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> <li>Observations of this structure were made from the exterior; due to safety concerns no entry was gained.</li> <li>Repairing this structure would require a structural engineer to assess and approve the remaining structural elements.</li> <li>Lack of maintenance has allowed climatic elements to penetrate the buildings envelope and if not addressed it will not take long for the structure to go beyond the state of repair.</li> </ul>

Hugh Layton	Original Signed	
Building Official (please print)	Signature	Supervisor's Initials



## Appendix E

Date: 2024/03/23

Dear Sir or Madam

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Item Number	██████████
Product Name	Registered Mail
Reference Number 1	Not Applicable
Reference Number 2	Not Applicable
Delivery Date (yyyy/mm/dd)	2023-11-28
Signatory Name	M WIGGINTON

Signature

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Yours sincerely,

Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-3033)

*This copy confirms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canadapost data warehouse*

**NOTICE TO APPEAR**

**IN THE MATTER OF:** Section 356 of the Halifax Regional Municipality Charter, S.N.S., 2008, C.39  
Hereinafter referred to as the “Charter”

**-and-**

**IN THE MATTER OF:** 4209 Highway 357, Meaghers Grant, Nova Scotia;  
Case # CF-2023-032017  
Hereinafter referred to as the “Property”

**-and-**

**IN THE MATTER OF:** Deteriorated main structure  
Hereinafter referred to as the “Building”

**TO:** **Christopher Wigginton**

**WHEREAS** you are the owner of the Property;

**AND WHEREAS** situated on the Property is the Building identified as dangerous or unsightly as per section 3(q) of the Charter;

**TAKE NOTICE** that you are hereby requested to appear before the Appeals Standing Committee (“Committee”) at 10:00am on April 11, 2024 in the Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia, a copy of the report can be found on Halifax.ca;

At which time the Committee will consider the following application:

**APPLICATION by Staff for an Order pursuant to section 356 of the Charter, to require demolition of the accessory structure, removal of all demolition debris, backfilling of any basement or crawl space and the disconnection of any and all utility connections to the standard set by the service provider within thirty (30) days of the date of the Order.**

**SECTION 356(3) OF THE CHARTER** provides the opportunity for the owner of the Property to appear and be heard by the Committee.

**DATED** at Halifax, Nova Scotia this 25 of March 2024.

Kimberly Northrop  
Compliance Officer  
902-476-6567

**Original Signed**

Scott Hill  
Administrator  
Halifax Regional Municipality